R E P O R T R E S U M E S

ED 014 122 EA 000 645

ACADEMIC NEGOTIATIONS--ALTERNATIVES TO COLLECTIVE BARGAINING.

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PUB DATE 6 MAR 67

EDRS PRICE MF-$0.25 HC-$0.60 13P.

DESCRIPTORS- *COLLEGE FACULTY, *COLLECTIVE NEGOTIATION, *COLLECTIVE BARGAINING, *FACULTY ORGANIZATIONS, JUNIOR COLLEGES, COMMUNITY COLLEGES, COLLEGES, UNIVERSITIES, *HIGHER EDUCATION, UNIONS, SANCTIONS, TEACHER STRIKES, COLLEGE ADMINISTRATION, CHICAGO,

TO DETERMINE CAUSES OF FACULTY DEMANDS FOR NEGOTIATIONS, A SIX-MEMBER TASK FORCE COLLECTED RELEVANT DATA FROM 34 INSTITUTIONS OF HIGHER EDUCATION ACROSS THE NATION (12 JUNIOR OR COMMUNITY COLLEGES, SEVEN MUNICIPAL OR STATE COLLEGES, NINE PUBLIC SUPPORTED UNIVERSITIES, SIX PRIVATE COLLEGES OR UNIVERSITIES) AND FROM REPRESENTATIVES OF FACULTY ORGANIZATIONS. FINDINGS OF THE STUDY INDICATED THAT CAUSES OF UNREST INCLUDE TENSIONS BETWEEN FACULTY AND ADMINISTRATION REGARDING FACULTY POWER, PROFESSIONALISM, LEVELS OF BUREAUCRACY, AND LOSS OF AUTHORITY. THE STUDY RECOMMENDS DEVELOPMENT OF THE CONCEPT OF SHARED AUTHORITY FOR INSTITUTIONAL POLICIES, UTILIZING THE ABILITIES AND ROLES OF BOTH FACULTY AND ADMINISTRATION AS COMPLEMENTARY PARTICIPANTS IN THE DECISIONMAKING PROCESS. ORGANIZATIONAL CATEGORIES FOR FACULTY PARTICIPATION IN ADMINISTRATIVE AFFAIRS INCLUDE THE INTERNAL ORGANIZATION OR ACADEMIC SENATE AND SUCH EXTERNAL ORGANIZATIONS AS PROFESSIONAL ASSOCIATIONS AND UNIONS. SIX SPECIFIC RECOMMENDATIONS ARE MADE FOR THE DEVELOPMENT OF THE ACADEMIC SENATE AS THE IDEAL ORGANIZATION FOR DEALING WITH PROBLEMS BETWEEN FACULTY AND ADMINISTRATION. AS AN EXTERNAL ORGANIZATION, A TEACHERS' UNION IS REGARDED AS A THREAT TO EDUCATIONAL INSTITUTIONS ONLY WHEN IT INTERFERES WITH PROFESSIONAL GOALS OR WHEN ADMINISTRATIONS ARE INTRANSIGENT. THIS REPORT WAS PRESENTED AT THE NATIONAL CONFERENCE ON HIGHER EDUCATION, SPONSORED BY THE ASSOCIATION FOR HIGHER EDUCATION (22ND, CHICAGO, MARCH 6, 1967). (JK)

ED014122

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Plenary Session
Monday Afternoon, March 6

ACADEMIC NEGOTIATIONS: ALTERNATIVES* TO COLLECTIVE BARGAINING

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Accounts of "unrest on the campus" normally focus on efforts by the students to assert the right of free speech, alter foreign policy, improve the quality of the food served in dormitory cafeterias, and otherwise master their environment. In recent years, however, the spotlight has been shared with the faculty, which has given evidence of its own discontent on the campus. Although faculty unrest has been manifested in various forms, the greatest attention has been commanded by demands for "academic negotiations." Behind this genteel euphemism lies the fact that many college professors have discarded traditional notions of propriety and have joined unions or pressed for formal negotiations with the administration. It is not clear whether these developments represent a trend or unrelated occurrences; however, as in the case of the young man who discovers that his fiancee has been entertaining other callers, the situation demands immediate investigation before there is evidence that a trend has been established.

Against this background, the Association for Higher Education has taken steps to identify the causes of faculty unrest and to determine the nature of the demands for "academic negotiations." In the fall of 1966, the AHE organized a Task Force on Faculty Representation and Academic Negotiations. The Task Force is comprised of six members drawn from the faculties of institutions of higher education in various parts of the country. As far as I know, none of the members of the Task Force has ever met a payroll, but all of us have encountered the scorn of a student or a dean.

Once the Task Force was launched, the AHE left us to distill our own wisdom and to make our own mistakes. The work of the Task Force was divided into two phases. First, we embarked, as a group, on a period of intensive field work. Altogether, we visited 34 separate institutions from coast to coast. In view of limitations of time and resources, no attempt was made to develop a scientific sample. Instead, we used standard undergraduate methodology and attempted to go "where the action was" or where there was some indication that major problems of faculty-administration relations existed. The data collected did not always confirm our presumption. Nevertheless, we discovered enough problems to occupy generations of unborn chancellors. Over-all, we visited 28 public institutions of higher education and six private colleges or universities. The public institutions included twelve junior or community collegds, seven municipal or state colleges, seven institutions that had recently attained university status, and two long-established universities.

In addition to the campus studies, we talked with officials of the major professional associations and the union with an interest in the problems of faculty representations. The field investigations were further supplemented by published and unpublished materials relevant to the problem under consideration.

*Report presented at the Plenary Session at the 22nd National Conference on Higher Education, sponsored by the Association for Higher Education, Chicago, March 6, 1967.

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When the field work was completed, the Task Force undertook the writing of its report and recommendations. The report is still in the draft state. In my capacity as chairman, I have been reminded of the vigor, if not the virtues, of academic freedom; therefore, it is not possible to give you a conclusive statement of our findings and recommendations. I only offer a preliminary view of our thinking, but my colleagues are on the platform with me to correct any errors of interpretation or emphasis. I am hopeful, however, that we have all learned enough about collective bargaining to appreciate the tactical importance of maintaining a common front in dealing with the party on the other side of the podium.

Causes of Unrest

What are the causes of current faculty unrest on the campus? In this respect, the field studies confirm the professor's view of himself as a unique individual. In conventional labor-management situations, worker discontent is associated with periods of adversity. In contrast, faculty dissatisfaction is clearly a child of growth and affluence. It is apparent to even the most monastic academic that he probably never had it so good in terms of compensation, available employment opportunities, and prestige. At the same time, faculty-administration tensions in institutions of higher education appear to have increased.

The paradox of affluence and unrest may be explained by several factors. Thus, the improvement in the status and well-being of the college professor probably has been accompanied by a more rapid rise in his expectations. This phenomenon is well known in underdeveloped nations and seems to apply to underdeveloped professions as well. In many institutions, the notion of professionalism is a polite fiction. With the rise in status and the expansion of opportunities, many faculty members now demand the full prerogatives of professionalism. This means that professors, like members of other professions, seek direct participation in the formulation of the policies and rules that govern their performance.

These pressures appear to be most acute in the junior colleges. In the period 1960-1965, enrolment in junior colleges increased at a rate nearly twice that of four-year institutions. Coincidentally, there has been a major change in the nature and administration of many junior colleges. Where they formerly gave almost exclusive emphasis to vocational courses, many junior colleges have modified their "mission" to become part of a system of academic higher education. Where it was under the administration of the local Board of Education governing secondary education, the junior college may now be part of a separate district or statewide system. This change in function and administration has meant that junior college faculty members often are no longer satisfied with the passive role of a "teacher" in a highly centralized structure where control over educational policies and the conditions of employment is lodged in the hands of the president and the Board. Instead, many junior college professors now seek full academic status and rights of participation in the traditional sense.

Similar developments have taken place in the new or "emerging" colleges and universities. In many cases these institutions grew out of former teachers' colleges which had a limited enrollment and a specific educational objective. In this context, the traditional forms of faculty representation were often shallowly rooted or non-existent. Consequently, when the institution is elevated to the status of a full-fledged college or university, many strains are likely to develop. The new faculty members, in particular, who come to the "emerging" university with well-defined notions of professional autonomy may have strong negative reactions to the lingering style of administrative contol. Significantly, several of the studies have revealed that in such situations, militant faculty organization--including the formation of a "union"--is more likely to come from the newer faculty members with the exemplary academic credentials than from the more senior elements on the campus.

The unparalleled growth in higher education also has engendered elaborate systems of administration that make it difficult for the faculty's voice to be heard precisely at a time when its expectations are rising. In several states, "Master Plans" and "Super-Boards" have been established to coordinate and control a comprehensive system of public higher education. This development often has had a sharp impact on the role of the faculty on individual campuses, even those with well-functioning procedures for faculty representation. The creation of a Super-Board may move the locus of decision-making for important issues to some level above that of the institution and its Board. Any faculty influence exerted at the level of the individual institution is bound to be diluted when it is transmitted to the higher reaches of the bureaucracy. To compound the problem, many of the new organizational structures are so complex that it is not clear who, if anyone, can now wield effective authority. If the faculty members in junior colleges have been aroused by the demand for powers that they never had, the faculties of many of the four-year institutions studied have become restive over the loss of discretion that they once thought was theirs.

Additional factors appear to have contributed to faculty unrest on some campuses. With the infusion of large numbers of junior faculty members, the process of "peer evaluation," for promotion is sometimes viewed as a device by which the elders maintain their position of preeminence. Changes in salary structure also have persuaded some faculty members that the new affluence has passed them by. And controversies over work schedules, class assignments and the perennial yearning for adequate office space and secretarial help have occasionally excited the faculty. These developments, however, only appear to have significance in a broad environment of growth and change.

Although there undoubtedly is a bias in our sample, the greatest faculty discontent appears to exist in the junior colleges and in the new or "emerging" colleges and universities. We do not expect that picket lines will be manned by the faculty outside Harvard or Yale, but a broad view of the academic scene indicates that the forces that are most visible in the public sector will have reverberations that will eventually affect most institutions for higher education.

Basis for Shared Authority

Any prescription for averting or dealing with faculty discontent must take account of the special aspects of the professor's profession. For many institutions this exercise will provide an occasion for self-congratulation; for others, it may offer a new perspective or guidelines for action.

As professionals, faculty members have the right, and the obligation, to participate in the determination of the policies that condition their performance. This prerequisite for professionalism has sometimes been obscured by the fact that typically, the professor is also a party to an employee-employer relationship. However, this consideration should be viewed as a technical problem rather than an absolute barrier to attainment of true professionalism.

The need for faculty participation in the formulation of policies and standards is reinforced by the nature of the services provided. Ideally, an institution for higher education is a "community of scholars" dedicated to the pursuit and communication of knowledge through teaching and research. In this sense, the concept of the college or university is inseparable from the functions of the faculty. Moreover, to render these services effectively, there must be a climate conducive to critical investigation, free discussion, and independent judgment. Such academic freedom cannot be attained within the framework of authoritarism, no matter how benign it might be. Thus, regardless of the formal or legal lines of authority, the faculty should be charged in a fundamental way with responsibility for the central activities of the institution. The weight given to faculty views may vary as the issue at hand is closer to or further removed from the areas of special faculty competence. But the faculty should have the right to be heard on all issues.

This panegyric to professionalism does not mean that the Task Force believes that administrators should be applicants for unemployment compensation. To the contrary, we recognize that many vital managerial functions are involved in the effective operation of any institution for higher education. The administration should initiate plans for new programs. Also, it has a major responsibility for coordinating activities of the institution, especially those with a multiplicity of programs. And once a consensus is reached concerning the objectives of the institution, the administration must seek to implement it in the most efficient manner. The task of running a college or university is often so complex that it would be foolhardy to believe that it can be carried out by faculty members between lectures or trips to the laboratory. However, recognition of the special competence of administrators does not provide a justification for the relegation of the faculty to a subordinate position.

In accepting the complimentary roles of the faculty and the administration in the government of institutions of higher education, we have opted for the concept of "shared authority." This means that the faculty, along with the administration, should have joint authority over a wide range of policy issues that are central to the conduct of the institution. There must be mutual consultation at an early stage of decision-making and agreement should be reached between the faculty and administration before a particular course of action is determined.

To some extent, the concept of "shared authority" is an over simplification of a subtle process of decision-making. Theoretically, it is possible to devise a continuum with unilateral administrative authority at one end, and complete faculty discretion at the other. The concept of "shared authority" encompasses a middle

range in this continuum where both parties are viewed co-equals in the decision-making process. Practically, we recognize that in any institution different issues will be distributed at different points along the continuum. For example, the investment of endowment funds normally will be a matter of administrative discretion. On the other hand, authority over student grades is almost completely in the hands of the faculty, subject only to broad provisions for review. Therefore, when we endorse the concept of "shared authority" we are stating a modal concept that allows for some variation. In general terms, the concept provides a conceptual underpinning for the development of internal relationships which reflect both the values of professionalism and the requirements of administration.

The Organizational Forms for Faculty Participation

Although such lofty sentiments may provide a call to action, they do not describe the mechanisms necessary to reach the stated objective. The implementation of t the concept of "shared authority" requires skillful attention to the organizational arrangements necessary to support it.

Our field studies revealed that there is a great diversity in the specific arrangements developed to achieve faculty participation in the administrative affairs of institutions of higher education. However, the various types may be classified in three major categories; "internal" organizations, "external" associations, and bargaining agencies. Of the three categories, the most widespread vehicle for faculty participation is the "internal" organization. In most cases, the "internal" organization takes the form of an Academic Senate or an analogous body. The basic characteristics of the Senate as a generic type are that it is an integral part of the institution's structure and it derives its representative status from the authority of the faculty as a whole.

Obviously, there is wide variation in the effectiveness of these "internal" organizations. In several institutions studied, the Senate was moribund or was not vested with authority over important policy issues. In other cases, the Senate was a casualty of an arbitrary presiding officer selected from the ranks of the administation, a limited agenda, or bloc voting by ex officio members. These observations should not imply that in all cases the Senate was an exercise in futility. Indeed, we encountered several situations in which it was a vigorous unit for decision-making in many basic policy areas. It is important to understand, however, that the formal establishment of an Academic Senate does not assure the implementation of the concept of "shared authority."

The traditional form of "external" organization associated with institutions of higher education is the professional association. At this point, the preeminent national associations are the American Association of University Professors (AAUP), the National Education Association (NEA), and the Association for Higher Education (AHE). In addition, there are separate associations of junior college faculty

members and a few "independent" organizations of professors in a particular state system of higher education. Unlike the Academic Senate, these "external" organizations usually do not have, nor do they seek formal decision-making authority within the administrative structure of the institution. Generally, they are interested in broad professional matters, but they may also represent their members in dealing with the administration in particular problem areas. For the greater part, the focus of attention on local campus affairs has been issues involving academic freedom and general salary levels. The "independent," state-wide associations may also petition the Super-Board or the legislature on questions involving the aggregate resources to be devoted to higher education. In most cases, these "external"organizations have been content to serve as pressure groups rather than becoming active participants in the decision-making process.

Another variant of the "external" organizations that warrants special attention is the professorial union. On several of the campuses studied, local unions of the American Federation of Teachers enjoyed the allegiance of some of the faculty members. Although the incidence of unionism among professors appears to be the greatest in the junior colleges, locals of the AFT also may be found in large public universities, state colleges, and private universities. Our investigations indicate that it would be a gross mistake at this stage to equate an organization officially designated as a "union" with the conventional ideology and tactics of trade unionism. Most of the "unions" encountered were similar in outlook and function to the other "external" associations. They were interested primarily in improving the professional status of the faculty, eschewed the concept of collective negotiations and rejected the use of economic sanctions,such as the strike. In most instances, the major distinction between the unions and the other professorial organizations is the degree of militance manifested in pursuing the objective of effective faculty representation within the traditional framework of the institution. In the short run at least, these unions have served as pressure levers on the Senate, the administration, and the more conservative faculty associations. Thus, they are indicators of rising faculty frustration with existing arrangements, but do not signify a radical change in approach or tactics.

The third, and relatively rare, form of faculty organization is the bargaining agency. These bargaining agencies seek to enter into a formal bargaining relationship with the administration over economic benefits and conditions of employment. The object of the negotiations is a written agreement with full legal standing. To date, formal bargaining has been carried out by particular locals of the AFT and state chapters of the NEA. Collective bargaining agreements are known to exist in at least six institutions for higher education, all of which are junior or community colleges. Where, as noted previously, the pressures for some viable form of faculty representation appear to be most severe.

The bargaining agencies clearly aim at "sharing" authority in important administrative areas. However, where the concept of shared authority as related to the "internal" organization is based upon an appreciation of the professional competence of the faculty, a bargaining relationship assumes an adversary position on the part of the faculty and the administration. Moreover, virtually every student of industrial relations would agree that the essential ingredient in collective bargaining is power. It is critical to recognize that the "sharing" associated with a bargaining relationship is different from the "sharing" based on the reciprocal appreciation of special competence.

Directions in Faculty Representation:

The identification of the basic concepts underlying faculty-administration relationships and various organizational forms by which these concepts may be effectuated, points the way toward the Task Force's policy recommendations. They are presented here in capsule form in the hope that they will encourage more people to read the full Report than to avoid it. We believe that some systematic procedures for faculty representation are essential to maintain or improve the quality of higher education in the United States. In addition, we agree that this representation can best be achieved by the implementation of the concept of "shared authority" through a strong academic senate. The Senate can most effectively give expression to the professional views of the faculty. It occupies a formal position within the structure of decision-making in the institution. It can most sensitively reflect the particular values and standards of the faculty in each campus situation. It can encompass all segments of the local academic community without consideration of formal membership or dues paying status. Although some faculty-administration conflict is inevitable regardless of the form of representation that is established, the Senate is most likely to cultivate the use of constructive methods of dispute settlement.

In order to insure the development of an effective Academic Senate, several conditions should be met. First, the Senate ideally should be "mixed." That is, it should consist of all members of the faculty or their representatives, and ex officio members of the administration such as the president, the academic vice-president, the comptroller, and the deans. We recognize, however, that there are circumstances in which a "pure" Senate, comprised exclusively of faculty members, may be desirable. When a Senate is established in an institution which has a history of centralized, essentially authoritarian decision-making, a "pure" Senate may be necessary as a transitional step to promote the development of an independent faculty point of view. Similarly, if the Senate merely has consultative powers and has not yet been delegate authority to participate in policy formulation, then a "pure" Senate may also be advisable.

Second, in the case of multi-campus institutions, the structure of the Senate should parallel the administrative organization. The need for an extended structure of representation in complex public systems of higher education cannot be overstated. Clearly, one of the major causes of discontent has been the establishment of elaborat hierarchies that have shifted locus of decision-making away from the individual campu and the faculty.

Third, the rules and structure of the senate should insure that it serves as a mechanism for the crystalization and expression of independent faculty opinions. This means that the size and composition of the senate should insure a substantial majority of faculty membership. The presiding officer and other key officials should be faculty members, or at least, elected by the Senate as a whole. And the Senate

should have the right to determine its own rules and agenda.

Fourth, representatives of the Senate should have direct access to the Board of Trustees, or the top governing body of the institution. By maintaining active communication links between the faculty and the Board, each group can benefit from the others' views or access to special information. Without these formal links, the president may--and has interposed himself between the faculty and the Board for capricious reasons.

Fifth, smaller, less comprehensive units of representation are desirable at the divisional and departmental levels. This requirement is especially important in large institutions with diverse faculty groups. These smaller units can transmit the "grass roots" opinions of relatively homogeneous groups of faculty members to the Senate. In addition, they can consider issues which are relevant only for a limited constituency.

Sixth, there should be no fixed limits on the substantive scope of the Senate's deliberations. Safeguards to insure independent faculty judgment are superfluous if these judgments are limited to trivial matters. Thus, recognizing the special role of the faculty in the life of the institution, we believe that primary responsibility for questions of educational policy and administration such as curricula, degree requirements, scholastic standards and academic freedom should be delegated to the Senate.

In other broad areas, the Senate should be involved on a joint basis with the administration at an early stage in the decision-making process. Issues for joint deliberation include admissions policies, the educational objectives and development of the institution, rules governing student behavior and the appointment of administrative officers.

The right of joint consideration through the Senate should also extend to the determination of the over-all budget of the institution or the comprehensive system of higher education. Without this involvement, it is unlikely that the faculty can have a substantial impact on the educational policies previously specified. In addition, in two of the cases studied, there was active participation by the faculty in the budgetary process with salutary results. In effect, joint budget-setting made honest men of both faculty representatives and administrators who were forced to learn, or to relearn, the fundamental economic laws of scarcity and efficiency.

Although there should be no fixed limits to the scope of the Senate's deliberations, we further recognize that certain categories of issues probably are inappropriate to this forum. These issues involve problems of interpersonal equity and others which pose potential conflicts of interest between the faculty and the administration. They include the questions of salary levels and structure, the magnitude and composition of fringe benefits, individual salary determinations, promotion or tenure decisions, class and office assignments, the allocation of secretarial help, and other elements of personnel administration which are rooted in the employee-employer relationship.

To deal with these issues, certain complimentary procedures may be developed. The distribution of salary increases among the various ranks and the determination of the magnitude and composition of fringe benefits can be handled by a joint faculty-administration salary committee. The faculty members on the committee may be selected by the Senate and the administrative representatives by the executive officers of the institution. The committee would focus on the general increase in salary levels and the salary range for different ranks and would not be concerned with the compensation of individual faculty members.

The treatment of individual problems of personnel administration or salary determination requires a separate procedure. In most institutions, these issues are left to "normal channels" which generally means that one administrator evaluates another administrator's actions. As in industry, an exclusive reliance on this approach often leaves a legacy of ill-will, even though the decision is "just" in some abstract sense. To fill this gap, a formal appeals procedure should be established spelling out the rights of the aggrieved and the levels of appeal. This procedure should incorporate the judgment of non-administrative persons at some stage in order to be effective. As a final step in the procedure the Senate and the administration may provide for the utilization of arbitrators drawn from a panel of respected faculty members or third parties outside the institution. By lending its support to such a procedure the Senate can supplement reason with due process.

The preeminence of the Academic Senate in our recommended scheme for faculty representation does not mean that the "external" organizations are destined to wither away. To the contrary, even where an effective Senate is in operation, they can serve many important functions and should be considered an important element in a comprehensive system of representation. Thus, "external" associations can offer local faculty groups guidance in the organization and operation of an effective Senate. They can facilitate communication between faculty organizations at different institutions. They can offer specialized information with respect to particular substantive matters, such as salaries and work loads, and lend moral and financial support to a Senate in bringing its case to the administration, the Super-Board or the legislature. Finally, the local campus affiliates can act as a watchdog over the operations of the Senate, criticizing it when it fails to act or seems unduly susceptible to pressures from the administration.

In this manner, the Senate and the external associations can actively compliment each other in their activities. But in order to realize the comparative advantages of each organization, the leadership of both must appreciate and emphasize elements of collaboration rather than competition.

Unionism and Faculty Representation

Although we have a clear preference for the establishment of a strong independent Academic Senate, we do not view the arrival of unions qua unions on the campus as a major threat to the fundamental nature of institutions of higher education. When a bargaining agency has gained representation rights for the faculty, the appropriate task is to promote a relationship that will best realize the potential benefits of this new arrangement and minimize the costs. As the Webbs noted many years ago, unions traditionally have sought to impose the "common rule" throughout their jurisdiction. This approach to the problems of higher education probably would have a deleterious effect. On the other hand, the record of experience in the industrial sector in the United States indicates that unions have been able to adapt their policies to the special conditions of their environment and to make constructive contributions to the administration of an enterprise. Such contributions are not likely to be forthcoming, however, when management adopts an intransigent position.

In order to promote effective bargaining relationships--where this option has been selected by the faculty--several basic conditions should be kept in mind. First, when a majority of the faculty indicates its desire to be represented by a bargaining agent, preferrably through some election procedure, the administration should duly recognize the bargaining agent and proceed to negotiate in "good faith". A strike over recognition invariably embitters the relationship and hardens adversary positions before a constructive bases for negotiations can be established.

Second, the agreement reached by the majority bargaining agent should apply to all faculty members in the unit, regardless of non-membership in the bargaining organization or membership in another organization. The question of "exclusivity" touches on delicate considerations of majority and minority rights. However, as long experience has demonstrated, exclusivity is a critical precondition for the development of sound bargaining relationships. A mixture of individual and group bargaining or multiple representation in a single unit inevitably will create division and instability. On the other hand, we do not believe that membership in any organization should be a condition of employment for faculty members.

Third, the issues subject to negotiation should be limited to salaries, fringe benefits and the conditions of employment. Questions of educational policy and administration, and budget-setting would be excluded from the scope of negotiations. These policy issues could then be handled in two ways. They can be viewed as "management prerogatives" and the administration can seek to retain decision-making power in these areas. Or they can be considered by an Academic Senate which would exist concurrently with the bargaining agency, but whose focus would be limited to subjects not covered in negotiations. A caveat is in order regarding the second alternative. We do not preclude the possibility of a constructive coexistence between an Academic Senate and a bargaining agency, but the long-run prospects must be rated as slim. By selecting a bargaining agent, a majority of the faculty members have chosen to emphasize their employee status and implicit power in their dealings with the administration. Under these circumstances it is extremely difficult to sustain the notion of "shared authority" that must underlie an effective Academic Senate.

Techniques for Resolving Disputes

If you feel that we have already assaulted administrators' sensibilities, we probably have saved the worst for last. That is, whether faculty-administration relationships are based on the concept of "shared authority" or negotiations, disputes inevitably will develop. What techniques are appropraite for the resolution of these disputes?

In this respect, three basic approaches can be identified; reason and persuasion, neutral third party intervention, and the application of sanctions. It should not be necessary to embark upon a detailed explication of the nature of "reason" to a group of this nature. Suffice it to say that here reason implies the full communication of information and an objective appraisal of

the consequences of different courses of action.

Neutral third party intervention also attempts to maintain a strong element of reason and persuasion. The most common form of neutral intervention is conciliation or mediation, where a third party works with and between the disputants to transmit proposals and to make suggestions for compromise. Other methods are quasi-judicial in nature and include fact finding, with or without recommendations for resolution of the dispute, and arbitration. In arbitration, the neutral's decisions usually are binding on the parties.

The use of sanctions, in contrast, contemplates the invocation of some form of power. To carry the taxonomy one step further, we identify three types of sanctions; political, professional, and economic. Political sanctions may involve lobbying or campaigns to oust public officials who have refused to support the faculty's position. Professional sanctions are attempts to attack the administration or professional standing of the institution. Here, the possible tactics include censure, efforts to obtain the withdrawal of accredation, and blacklisting. Finally, economic sanctions are efforts to block directly the operation of the institution. The most widespread economic sanction is a strike.

The Task Force examined this menu more in the spirit of a weary traveler rather than a gourmet. Obviously, primary emphasis should be placed on reason and persuasion in settling disputes between the faculty and administration, whether the controversies arise in a Senate or in the context of a bargaining relationship. Experience has shown that reason is not always a catalyst for agreement, but there is some hope, if not the expectation, that it will enjoy greater success when applied to problems on the campus. Similarly, techniques based on reason are more likely to be applied effectively in an Academic Senate than in a formal bargaining relationship. Acceptance of the concept of "shared authority" will help to neutralize adversary interests and minimize the likelihood that power will, or must, be exercised.

If reason does not prevail, the parties should explore intensively the possibility of neutral third party intervention. The potentialities in this area are great. Because of various technical and legal problems, it is not possible to offer specific prescriptions. Indeed, the use of neutral third party intervention lends itself to wide experimentation in the educational sector, especially where the national professional associations may constitute an acceptable source of mediators and arbitrators. Moreover, an effective system of third party intervention, while it is constructive in its own right, will also provide the parties with incentives to resolve any disputes themselves rather than to refer them to outside tribunals.

When reason has failed and the parties have rejected third party intervention, the use of sanctions may result. In this regard, we express our preference for professional, and where appropriate, political sanctions rather than economic sanctions. Some observers may contend that this is a distinction without a difference. What difference is there in the "power" to undermine an institution by seeking the withdrawal of its accredation and a strike which curtails the formal educational process? To be sure, all sanctions involve "power," but the sources of the "power" may be sharply distinguished. Thus, the effectiveness of political and professional sanctions depends, in a large measure, upon the reaction of outside parties. An effort to remove the accredation of an institution will not succeed if it is based on trivial or vindictive judgments. A campaign to defeat a legislator must persuade non-academic groups in order to be effective. In this sense then, these techniques are founded on the coercive force of truth that is so central to the faculty member's view of his role on the campus and in society at large.

Last, we come to the problem of economic sanctions in general and the strike in particular. That is, should faculty members in institutions for higher education strike or have the right to strike? Most discussions of this issue have been couched in terms of support or condemnation. We assert, however, that discussions of potential or actual strikes by college faculty members carried out in these polemical terms are misleading and probably harmful. Instead, we ask you to view this question in analytical terms.

First, notwithstanding our collective egoism it would be difficult to demonstrate that the services of institutions for higher education are "essential" in the manner that this term is used in evaluating the immediate effects of work stoppages in other industries. Assuming that most strikes are short-lived--and there is considerable empirical evidence to support this assumption--there are no technical reasons for denying faculty members the right to strike a priori.

Second, we are aware that where public institutions are involved, strikes by faculty members are or probably would be considered illegal in most states. In addition, the administration, by itself, might threaten counter-sanctions so severe that a strike would be thwarted. However, such suppression would surely lead to other manifestations of faculty discontent that probably would be more deleterious to the institution in the long-run than a confrontation of fixed duration. Thus, there is some evidence that in the absence of the effective right to strike, faculty members will resort to other methods for withdrawing their efficiency, such as the unwillingness to develop new courses, lackluster performance in the classroom, and an excessively narrow approach to their job requirements. Under these circumstances, a strike in which the issues in dispute are joined directly may be preferable.

Third, despite exhortations or laws to the contrary it should be recognized that under exceptional circumstances strikes will and have occurred, such actions will be resisted by the faculty itself because they appear to be inconsistent with a professional role. Nonetheless, if the faculty has been denied the right to participate in the formulation of policies, if there has been an abject failure to develop techniques for joint decision-making based on reason, and if crucial faculty interests are involved, then a strike may be forthcoming. As such, it should be considered a weapon of last resort and not an occasion for automatic reproach.

A Concluding Note

Few administrators or, for that matter, faculty members, will view the development and extension of "academic negotiations" with equanimity. Rather than falling back on empty rhetoric, however, the more perceptive view of this development is that it provides dramatic evidence of the failure of the institution to develop satisfactory alternatives for faculty representation. If educators look with alarm at the prospect of academic negotiations, they are well-advised to examine the causal factors and not the results.

As part of the conventional wisdom in labor-management relations, it is often said that employers get the kind of industrial relations they deserve. Although this statement, like all slogans, is not valid in every case, it contains sufficient validity to constitute both a warning and a challenge.